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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Report of the Third Committee

Rapporteur: Mr. Khalid **Alwafi** (Saudi Arabia)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 36th, 37th, 39th, 40th, 43rd and 46th meetings, on 4, 5, 11, 18, 20 and 24 November 2008. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/63/SR.36, 37, 39, 40, 43 and 46).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the United Nations High Commissioner for Refugees;[1]

(b) Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees;[2]

(c) Report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/63/321).

4. At the 36th meeting, on 4 November, the United Nations High Commissioner for Refugees made an introductory statement, and the Committee engaged in a dialogue with the High Commissioner, in which the representatives of Burundi, Iraq,

[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 12* (A/63/12).
[2] Ibid., *Supplement No. 12A* (A/63/12/Add.1).

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Yemen, the Sudan, Zimbabwe, Egypt, Cameroon, Ethiopia and Algeria participated (see A/C.3/63/SR.36).

II. Consideration of proposals

A. Draft resolution A/C.3/63/L.54

5. At the 40th meeting, on 18 November, the representative of Djibouti, on behalf of Djibouti and the Republic of Moldova, introduced a draft resolution entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees" (A/C.3/63/L.54). Subsequently, Angola, Benin, Ecuador, Egypt, Israel, Italy, Mauritania and the Sudan joined in sponsoring the draft resolution.

6. At the same meeting, the Committee was informed that the draft resolution had no programme budget implications.

7. Also at its 40th meeting, the Committee adopted draft resolution A/C.3/63/L.54 without a vote (see para. 22, draft resolution I).

8. After the adoption of the draft resolution, the representative of Djibouti made a statement (see A/C.3/63/SR.40).

B. Draft resolution A/C.3/63/L.55

9. At the 40th meeting, on 18 November, the representative of Jordan, on behalf of Azerbaijan, Bangladesh, Benin, Bosnia and Herzegovina, the Comoros, Iraq, Jordan and Morocco, introduced a draft resolution entitled "New international humanitarian order" (A/C.3/63/L.55) and orally revised the third preambular paragraph of the draft resolution by deleting the words "where possible" after the words "to prevent". Subsequently, Afghanistan, Lebanon, Nigeria and Pakistan joined in sponsoring the draft resolution.

10. At its 43rd meeting, on 20 November, the Committee was informed that the draft resolution had no programme budget implications.

11. At the same meeting, the representative of Jordan made a statement (see A/C.3/63/SR.43).

12. Also at its 43rd meeting, the Committee adopted draft resolution A/C.3/63/L.55, as orally revised, without a vote (see para. 22, draft resolution II).

C. Draft resolution A/C.3/63/L.56

13. At the 39th meeting, on 11 November, the representative of Norway, on behalf of Austria, Belgium, Bosnia and Herzegovina, Cameroon, Canada, Côte d'Ivoire, Croatia, the Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Germany, Guatemala, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mexico, Monaco, the Netherlands, New Zealand, Norway, Panama, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Uganda, the United Kingdom

of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Office of the United Nations High Commissioner for Refugees" (A/C.3/63/L.56). Subsequently, Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Azerbaijan, Bangladesh, Belarus, Benin, Botswana, Brazil, Bulgaria, Burundi, Cape Verde, Chile, China, Colombia, Costa Rica, Cyprus, El Salvador, Ghana, Greece, Guinea, Guinea-Bissau, Honduras, Hungary, Iraq, Kenya, Lesotho, Malawi, Mali, Malta, Mauritania, Micronesia (Federated States of), Montenegro, Morocco, the Niger, Nigeria, Paraguay, Peru, Poland, the Republic of Korea, the Republic of Moldova, the Russian Federation, Senegal, Serbia, Sri Lanka, the Sudan, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Turkey, the United Republic of Tanzania, Uruguay and Zambia joined in sponsoring the draft resolution.

14. At the same meeting, the representative of Norway orally revised operative paragraph 26 of the draft resolution by replacing the words "the impact of those flows of persons" with the words "its serious impact".

15. At the same meeting, the Committee was informed that the draft resolution had no programme budget implications.

16. Also at its 39th meeting, the Committee adopted draft resolution A/C.3/63/L.56, as orally revised, without a vote (see para. 22, draft resolution III).

D. Draft resolutions A/C.3/63/L.58 and Rev.1

17. At the 40th meeting, on 18 November, the representative of Mauritius, on behalf of the Group of African States, introduced a draft resolution entitled "Assistance to refugees, returnees and displaced persons in Africa" (A/C.3/63/L.58). Subsequently, Azerbaijan joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969 and the African Charter on Human and Peoples' Rights,

"*Reaffirming* that the 1951 Convention relating to the Status of Refugees, together with the 1967 Protocol thereto, as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

"*Recognizing* the particular vulnerability of women and children among refugees and other persons of concern, including exposure to discrimination and sexual and physical abuse,

"*Recognizing also* that refugees, internally displaced persons and, in particular, women and children are at an increased risk of exposure to HIV/AIDS, malaria and other infectious diseases,

"*Expressing its appreciation* for the African Union's decision to convene the Special Summit of Heads of State and Government of the African Union on Refugees, Returnees and Internally Displaced Persons in Africa, and recognizing the process to elaborate a draft African Union convention for the protection and assistance of internally displaced persons in Africa,

"1. *Takes note* of the reports of the Secretary-General and the United Nations High Commissioner for Refugees;

"2. *Notes* the need for African States to address resolutely root causes of all forms of forced displacement in Africa and to foster peace, stability and prosperity throughout the African continent so as to forestall refugee flows;

"3. *Notes with great concern* that, despite all of the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious, and calls upon States and other parties to armed conflict to observe scrupulously the letter and spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

"4. *Welcomes* decision EX.CL/Dec.423(XIII) on the situation of refugees, returnees and displaced persons in Africa adopted by the Executive Council of the African Union at its thirteenth ordinary session, held in Sharm el-Sheikh from 24 to 28 June 2008;

"5. *Expresses its appreciation* for the leadership shown by the Office of the United Nations High Commissioner for Refugees, and commends the Office for its ongoing efforts, with the support of the international community, to assist African countries of asylum and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

"6. *Notes* the initiatives taken by the African Union and the African Commission on Human and Peoples' Rights, in particular the role of its Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa;

"7. *Takes note* of the general conclusion on international protection, adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fifty-ninth session, held at Geneva from 6 to 10 October 2008;

"8. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of return and reintegration;

"9. *Also recognizes* the importance of early registration and effective registration systems and censuses as a tool of protection and as a means to the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

"10. *Recalls* the conclusion on registration of refugees and asylum-seekers adopted by the Executive Committee at its fifty-second session, notes the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status, recalls the responsibility of States to register refugees on their territories, and, as appropriate, the responsibility of the Office of the High Commissioner or mandated international bodies to do so, reiterates in this context the central role that early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions, and calls upon the Office, as appropriate, to help States

to conduct this procedure should they be unable to register refugees on their territory;

"11. *Calls upon* the international community, including States and the Office of the High Commissioner and other relevant United Nations organizations, within their respective mandates, to take concrete action to meet the protection and assistance needs of refugees, returnees and displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight and facilitating durable solutions for refugees and displaced persons;

"12. *Reaffirms* the importance of timely and adequate assistance and protection for refugees, returnees and displaced persons, also reaffirms that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection, notes the importance of a rights- and community-based approach in engaging constructively with individual refugees, returnees and displaced persons and their communities so as to achieve fair and equitable access to food and other forms of material assistance, and expresses concern in regard to situations in which minimum standards of assistance are not met, including those in which adequate needs assessments have yet to be undertaken;

"13. *Also reaffirms* that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and burden- and responsibility-sharing among all States;

"14. *Further reaffirms* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, calls upon States, in cooperation with international organizations, within their mandates, to take all necessary measures to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or used for purposes that are incompatible with their civilian character, and encourages the High Commissioner to continue efforts, in consultation with States and other relevant actors, to ensure the civilian and humanitarian character of camps;

"15. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, calls upon States of refuge, in cooperation with international organizations, where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers, notes with interest that the High Commissioner has continued to take steps to encourage the development of measures to better ensure the civilian and humanitarian character of asylum, and encourages the High Commissioner to continue those efforts, in consultation with States and other relevant actors;

"16. *Deplores* the continuing violence and insecurity which constitute an ongoing threat to the safety and security of staff members of the Office of the High Commissioner and other humanitarian organizations and an obstacle to

the effective fulfilment of the mandate of the Office and the ability of its implementing partners and other humanitarian personnel to discharge their respective humanitarian functions, urges States, parties to conflict and all other relevant actors to take all necessary measures to protect activities related to humanitarian assistance, prevent attacks on and kidnapping of national and international humanitarian workers and ensure the safety and security of the personnel and property of the Office and that of all humanitarian organizations discharging functions mandated by the Office, and calls upon States to investigate fully any crime committed against humanitarian personnel and bring to justice the persons responsible for such crimes;

"17. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the protection system for refugees, asylum-seekers and internally displaced persons;

"18. *Calls upon* the Office of the High Commissioner, the international community and other concerned entities to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities, in particular those Governments that have received large numbers of refugees and asylum-seekers;

"19. *Reaffirms* the right of return and the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

"20. *Also reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return, recognizes that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin, in particular that voluntary repatriation can be accomplished in conditions of safety and dignity, and urges the High Commissioner to promote sustainable return through the development of durable and lasting solutions, particularly in protracted refugee situations;

"21. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes that benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives;

"22. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden- and responsibility-sharing, to the third-country

resettlement needs of African refugees, notes in this regard the importance of using resettlement strategically, as part of situation-specific comprehensive responses to refugee situations, and to this end encourages interested States, the Office of the High Commissioner and other relevant partners to make full use of the Multilateral Framework of Understandings on Resettlement, where appropriate;

"23. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;

"24. *Urges* the international community, in the spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, inter alia, as a result of repatriation possibilities, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

"25. *Encourages* the Office of the High Commissioner and interested States to identify protracted refugee situations which might lend themselves to resolution through the development of specific, multilateral, comprehensive and practical approaches to resolving such refugee situations, including improvement of international burden- and responsibility-sharing and realization of durable solutions, within a multilateral context;

"26. *Expresses grave concern* about the plight of internally displaced persons in Africa, notes the efforts of African States in strengthening the regional mechanisms for protection of and assistance to internally displaced persons, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement, takes note of the current activities of the Office of the High Commissioner related to protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

"27. *Invites* the Representative of the Secretary-General on the human rights of internally displaced persons to continue his ongoing dialogue with Member States and the intergovernmental and non-governmental organizations concerned, in accordance with his mandate, and to include information thereon in his reports to the Human Rights Council and the General Assembly;

"28. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its sixty-fourth session, taking fully into account the efforts expended by countries of asylum, under the item entitled 'Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions'."

18. At its 46th meeting, on 24 November, the Committee had before it a revised draft resolution (A/C.3/63/L.58/Rev.1) submitted by Mauritius on behalf of the Group of African States, Belgium, Brazil, Canada, the Czech Republic, France,

Greece, Ireland, Japan, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Albania, Australia, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, Guatemala, Honduras, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Nicaragua, Norway, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and the United States of America joined in sponsoring the draft resolution.

19. At the same meeting, the Committee was informed that the draft resolution had no programme budget implications.

20. At the same meeting, the representative of Mauritius orally revised the draft resolution by inserting two new preambular paragraphs after the sixth preambular paragraph, reading:

> "*Recognizing* that host States have the primary responsibility for the protection of and assistance to refugees on their territory, and the need to redouble efforts to develop and implement comprehensive durable solution strategies, in appropriate cooperation with the international community, and burden- and responsibility-sharing,
>
> "*Emphasizing* that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root of the displacement problem in appropriate cooperation with the international community,".

21. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/63/L.58/Rev.1, as orally revised, without a vote (see para. 22, draft resolution IV).

III. Recommendations of the Third Committee

22. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decision 2008/255 of 25 July 2008 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the letter dated 29 February 2008 from the Permanent Representative of Djibouti to the United Nations addressed to the Secretary-General[1] and the letter dated 30 May 2008 from the Chargé d'affaires a.i. of the Permanent Mission of the Republic of Moldova to the United Nations addressed to the Secretary-General,[2]

1. *Decides* to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from seventy-six to seventy-eight States;

2. *Requests* the Economic and Social Council to elect the additional members at its resumed organizational session for 2009.

[1] E/2008/63.
[2] E/2008/84.

Draft resolution II
New international humanitarian order

The General Assembly,

Recalling its resolution 61/138 of 19 December 2006, all previous resolutions concerning the promotion of a new international humanitarian order[1] and all relevant resolutions, in particular resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the annex thereto, and resolution 62/94 of 17 December 2007 on strengthening of the coordination of emergency humanitarian assistance of the United Nations,

Noting with appreciation the continuing efforts of the Office for the Coordination of Humanitarian Affairs of the Secretariat and the Inter-Agency Standing Committee, as well as other United Nations agencies in the context of international humanitarian assistance,

Recognizing the importance of action at the national and regional levels and the role that regional organizations can play in certain cases to prevent humanitarian crises, and emphasizing the importance of continued international cooperation in support of affected States in dealing with natural disasters and complex emergencies,

Noting with appreciation the continuing efforts of the United Nations system to increase its capacity and that of its Member States to provide assistance to victims of humanitarian emergencies,

Recognizing the important role that international organizations, intergovernmental organizations, civil society, including non-governmental organizations, and the private sector can play, within their respective mandates in the humanitarian context,

1. *Recognizes* the need for the further strengthening of national, regional and international efforts to address humanitarian emergencies;

2. *Expresses its appreciation* for the continuing efforts of the Secretary-General in the humanitarian field, and invites him to continue to promote strict adherence to refugee law, international humanitarian law and internationally agreed norms and principles in situations of humanitarian emergencies;

3. *Urges* Governments, intergovernmental organizations and civil society, including non-governmental organizations, to extend cooperation and support to the efforts of the Secretary-General, inter alia, through the relevant United Nations agencies and organizational mechanisms set up to address the assistance and protection needs of affected populations as well as the safety and security of United Nations and other humanitarian workers;

4. *Encourages* intergovernmental organizations and civil society, including non-governmental organizations, as well as the private sector, where appropriate, to assist and support national and international efforts to respond to humanitarian emergencies;

[1] Resolutions 36/136, 37/201, 38/125, 40/120, 42/121, 43/129, 43/130, 45/101, 45/102, 47/106, 49/170, 51/74, 53/124, 55/73, 57/184 and 59/171.

5. *Invites* Member States, the Office for the Coordination of Humanitarian Affairs of the Secretariat, relevant entities of the United Nations system and intergovernmental organizations and civil society, including non-governmental organizations, to reinforce activities and cooperation so as to continue to develop an agenda for humanitarian action;

6. *Requests* the Secretary-General to report on these issues to the General Assembly at its sixty-fifth session in his annual report on strengthening of the coordination of emergency humanitarian assistance of the United Nations.

Draft resolution III
Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-ninth session[2] and the conclusions and decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

Expressing its appreciation for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities, and underlining its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-ninth session;[2]

2. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, which is aimed at strengthening the international protection regime and at assisting Governments in meeting their protection responsibilities;

3. *Notes with appreciation* the important guidance provided in the Executive Committee general conclusion on international protection;[3]

4. *Reaffirms* the 1951 Convention relating to the Status of Refugees[4] and the 1967 Protocol thereto[5] as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-seven States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines in particular the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

5. *Notes* that sixty-three States are now parties to the 1954 Convention relating to the Status of Stateless Persons[6] and that thirty-five States are parties to the 1961 Convention on the Reduction of Statelessness,[7] encourages States that have not done so to give consideration to acceding to those instruments, notes the work of

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[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 12* (A/63/12).
[2] Ibid., *Supplement No. 12A* (A/63/12/Add.1).
[3] Ibid., chap. III, sect. A.
[4] United Nations, *Treaty Series*, vol. 189, No. 2545.
[5] Ibid., vol. 606, No. 8791.
[6] Ibid., vol. 360, No. 5158.
[7] Ibid., vol. 989, No. 14458.

the High Commissioner in regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons, and urges the Office of the High Commissioner to continue to work in this area in accordance with relevant General Assembly resolutions and Executive Committee conclusions;

6. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and strongly emphasizes, in this context, the importance of active international solidarity and burden- and responsibility-sharing;

7. *Also re-emphasizes* that prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community;

8. *Further re-emphasizes* that protection of and assistance to internally displaced persons are primarily the responsibility of States, in appropriate cooperation with the international community;

9. *Takes note* of the current activities of the Office of the High Commissioner related to protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the mandate of the Office for refugees and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

10. *Notes with appreciation* the process of structural and management change being undertaken by the Office of the High Commissioner, and encourages the Office to continue its pursuit of reforms, including the implementation of a results-based management framework and strategy, that would enable it to respond adequately and in a more efficient manner to the needs of its beneficiaries and ensure effective and transparent use of its resources;

11. *Encourages* the Office of the High Commissioner to pursue its efforts to strengthen its capacity to respond adequately to emergencies and thereby ensure a more predictable response to inter-agency commitments in case of emergency;

12. *Strongly condemns* attacks on refugees, asylum-seekers and internally displaced persons as well as acts that pose a threat to their personal security and well-being, and calls upon all concerned States and, where applicable, parties involved in an armed conflict to take all necessary measures to ensure respect for human rights and international humanitarian law;

13. *Deplores* the refoulement and unlawful expulsion of refugees and asylum-seekers, and calls upon all concerned States to ensure respect for the relevant principles of refugee protection and human rights;

14. *Emphasizes* that international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that it includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and

notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

15. *Affirms* the importance of age, gender and diversity mainstreaming in analysing protection needs and in ensuring the participation of refugees and other persons of concern to the Office of the High Commissioner, as appropriate, in the planning and implementation of programmes of the Office and State policies, and also affirms the importance of according priority to addressing discrimination, gender inequality and the problem of sexual and gender-based violence, recognizing the importance of addressing the protection needs of women and children in particular;

16. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that those solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported, as necessary, by rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

17. *Expresses concern* about the particular difficulties faced by the millions of refugees in protracted situations, and emphasizes the need to redouble international efforts and cooperation to find practical and comprehensive approaches to resolving their plight and to realize durable solutions for them, consistent with international law and relevant General Assembly resolutions;

18. *Recognizes* the importance of achieving durable solutions to refugee problems and, in particular, the need to address in this process the root causes of refugee movements in order to avert new flows of refugees;

19. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with countries hosting refugees and countries of origin, including their respective local communities, relevant United Nations agencies, international and intergovernmental organizations, regional organizations, as appropriate, non-governmental organizations and development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, which includes an approach to sustainable and timely return which encompasses repatriation, reintegration, rehabilitation and reconstruction activities, and encourages States, in cooperation with relevant United Nations agencies, international and intergovernmental organizations, regional organizations, non-governmental organizations and development actors, to support, inter alia, through the allocation of funds, the implementation of such a framework to facilitate an effective transition from relief to development;

20. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of return and reintegration;

21. *Welcomes* the progress that has been achieved in increasing the number of refugees resettled and the number of States offering opportunities for resettlement, and the contribution that those States make to durable solutions to

refugees, and invites interested States, the Office of the High Commissioner and other relevant partners to make use of the Multilateral Framework of Understandings on Resettlement,[8] where appropriate and feasible;

22. *Notes* the progress that is being made by interested States and the Office of the High Commissioner to take forward elements outlined in the Mexico Plan of Action to Strengthen International Protection of Refugees in Latin America, adopted on 16 November 2004,[8] and expresses its support for the efforts to promote its implementation with the cooperation and assistance of the international community, as appropriate, as well as by supporting host communities that receive large numbers of persons who require international protection;

23. *Also notes* that some progress is being made by interested States and the Office of the High Commissioner within the context of the European-Asian Programme on Forced Displacement and Migration on issues related to asylum and forced displacement, consistent with the mandate of the Office;

24. *Further notes* the importance of States and the Office of the High Commissioner discussing and clarifying the role of the Office in mixed migratory flows, in order to better address protection needs in the context of mixed migratory flows, including by safeguarding access to asylum for those in need of international protection, and notes the readiness of the High Commissioner, consistent with his mandate, to assist States in fulfilling their protection responsibilities in this regard;

25. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

26. *Notes* the important number of displaced in and from Iraq and its serious impact on the social and economic situation of countries in the region, and calls upon the international community to act in a targeted and coordinated manner to provide protection and increased assistance to the persons displaced to enable the countries in the region to strengthen their capacity to respond to the needs in partnership with the Office of the High Commissioner, other United Nations agencies, the International Red Cross and Red Crescent Movement and non-governmental organizations;

27. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of and reducing the heavy burden borne by host countries, in particular those that have received large numbers of refugees and asylum-seekers, and calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, in particular the least developed countries, and countries with economies in transition;

[8] Available from www.unhcr.org.

28. *Calls upon* the Office of the High Commissioner to further explore ways and means to broaden its donor base, so as to achieve greater burden-sharing by reinforcing cooperation with governmental donors, non-governmental donors and the private sector;

29. *Recognizes* that adequate and timely resources are essential for the Office of the High Commissioner to continue to fulfil the mandate conferred upon it through its statute[9] and by subsequent General Assembly resolutions on refugees and other persons of concern, recalls its resolutions 58/153 of 22 December 2003, 58/270 of 23 December 2003, 59/170 of 20 December 2004, 60/129 of 16 December 2005, 61/137 of 19 December 2006 and 62/124 of 18 December 2007 concerning, inter alia, the implementation of paragraph 20 of the statute of the Office, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

30. *Requests* the High Commissioner to report on his activities to the General Assembly at its sixty-fourth session.

[9] Resolution 428 (V), annex.

Draft resolution IV
Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969[1] and the African Charter on Human and Peoples' Rights,[2]

Reaffirming that the 1951 Convention relating to the Status of Refugees,[3] together with the 1967 Protocol thereto,[4] as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

Recognizing the particular vulnerability of women and children among refugees and other persons of concern, including exposure to discrimination and sexual and physical abuse,

Recognizing also that refugees, internally displaced persons and, in particular, women and children are at an increased risk of exposure to HIV/AIDS, malaria and other infectious diseases,

Expressing appreciation for the decision of the African Union to convene the Special Summit of Heads of State and Government of the African Union on Refugees, Returnees and Internally Displaced Persons in Africa, and welcoming the ongoing process to elaborate a draft African Union convention for the protection and assistance of internally displaced persons in Africa,

Noting with appreciation the Pact on Security, Stability and Development in the Great Lakes Region[5] and its instruments, in particular two of the Protocols to the Pact which are relevant to the protection of displaced persons, namely, the Protocol on the Protection of and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons,

Recognizing that host States have the primary responsibility for the protection of and assistance to refugees on their territory, and the need to redouble efforts to develop and implement comprehensive durable solution strategies, in appropriate cooperation with the international community, and burden- and responsibility-sharing,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

1. *Takes note* of the reports of the Secretary-General[6] and the United Nations High Commissioner for Refugees;[7]

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[1] United Nations, *Treaty Series*, vol. 1001, No. 14691.
[2] Ibid., vol. 1520, No. 26363.
[3] Ibid., vol. 189, No. 2545.
[4] Ibid., vol. 606, No. 8791.
[5] www.icglr.org.
[6] A/63/321.
[7] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 12* (A/63/12).

2. *Notes* the need for African States to address resolutely root causes of all forms of forced displacement in Africa and to foster peace, stability and prosperity throughout the African continent so as to forestall refugee flows;

3. *Notes with great concern* that, despite all of the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious, and calls upon States and other parties to armed conflict to observe scrupulously the letter and spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

4. *Welcomes* decision EX.CL/Dec.423 (XIII) on the situation of refugees, returnees and displaced persons in Africa adopted by the Executive Council of the African Union at its thirteenth ordinary session, held in Sharm el-Sheikh on 27 and 28 June 2008;[8]

5. *Expresses its appreciation* for the leadership shown by the Office of the United Nations High Commissioner for Refugees, and commends the Office for its ongoing efforts, with the support of the international community, to assist African countries of asylum and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

6. *Notes* the initiatives taken by the African Union and the African Commission on Human and Peoples' Rights, in particular the role of its Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa;

7. *Notes with appreciation* the general conclusion on international protection adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fifty-ninth session, held at Geneva from 6 to 10 October 2008;[9]

8. *Acknowledges* the important contribution of the age, gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community, in particular the non-discriminatory treatment and protection of refugee women and refugee children and minority groups of refugees;

9. *Affirms* that children, because of their age, social status and physical and mental development, are often more vulnerable than adults in situations of forced displacement, recognizes that forced displacement, return to post-conflict situations, integration in new societies, protracted situations of displacement and statelessness can increase child-protection risks, taking into account the particular vulnerability of refugee children to forcible exposure to the risks of physical and psychological injury, exploitation and death in connection with armed conflict, and acknowledges that wider environmental factors and individual risk factors, particularly when combined, may generate different protection needs;

10. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of return and reintegration;

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[8] See African Union document EX.CL/Dec.415-453 (XIII).

[9] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 12A* (A/63/12/Add.1), chap. III, sect. A.

11. *Also recognizes* the importance of early registration and effective registration systems and censuses as a tool of protection and as a means to the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

12. *Recalls* the conclusion on registration of refugees and asylum-seekers adopted by the Executive Committee at its fifty-second session,[10] notes the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status, recalls the responsibility of States to register refugees on their territories, and, as appropriate, the responsibility of the Office of the High Commissioner or mandated international bodies to do so, reiterates in this context the central role that early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions, and calls upon the Office, as appropriate, to help States to conduct this procedure should they be unable to register refugees on their territory;

13. *Calls upon* the international community, including States and the Office of the High Commissioner and other relevant United Nations organizations, within their respective mandates, to take concrete action to meet the protection and assistance needs of refugees, returnees and displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight and facilitating durable solutions for refugees and displaced persons;

14. *Reaffirms* the importance of timely and adequate assistance and protection for refugees, returnees and displaced persons, also reaffirms that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection, notes the importance of a rights- and community-based approach in engaging constructively with individual refugees, returnees and displaced persons and their communities so as to achieve fair and equitable access to food and other forms of material assistance, and expresses concern in regard to situations in which minimum standards of assistance are not met, including those in which adequate needs assessments have yet to be undertaken;

15. *Also reaffirms* that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and burden- and responsibility-sharing among all States;

16. *Further reaffirms* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, calls upon States, in cooperation with international organizations, within their mandates, to take all necessary measures to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or used for purposes that are incompatible with their civilian character, and encourages the High Commissioner to continue efforts, in consultation with States and other relevant actors, to ensure the civilian and humanitarian character of camps;

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[10] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 12A* (A/56/12/Add.1), chap. III, sect. B.

17. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, calls upon States of refuge, in cooperation with international organizations, where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers, notes with interest that the High Commissioner has continued to take steps to encourage the development of measures to better ensure the civilian and humanitarian character of asylum, and encourages the High Commissioner to continue those efforts, in consultation with States and other relevant actors;

18. *Deplores* the continuing violence and insecurity which constitute an ongoing threat to the safety and security of staff members of the Office of the High Commissioner and other humanitarian organizations and an obstacle to the effective fulfilment of the mandate of the Office and the ability of its implementing partners and other humanitarian personnel to discharge their respective humanitarian functions, urges States, parties to conflict and all other relevant actors to take all necessary measures to protect activities related to humanitarian assistance, prevent attacks on and kidnapping of national and international humanitarian workers and ensure the safety and security of the personnel and property of the Office and that of all humanitarian organizations discharging functions mandated by the Office, and calls upon States to investigate fully any crime committed against humanitarian personnel and bring to justice the persons responsible for such crimes;

19. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the protection system for refugees, asylum-seekers and internally displaced persons;

20. *Calls upon* the Office of the High Commissioner, the international community and other concerned entities to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities, in particular those Governments that have received large numbers of refugees and asylum-seekers;

21. *Reaffirms* the right of return and the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

22. *Also reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return, recognizes that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin, in particular that voluntary repatriation can be

accomplished in conditions of safety and dignity, and urges the High Commissioner to promote sustainable return through the development of durable and lasting solutions, particularly in protracted refugee situations;

23. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes that benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives;

24. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden- and responsibility-sharing, to the third-country resettlement needs of African refugees, notes in this regard the importance of using resettlement strategically, as part of situation-specific comprehensive responses to refugee situations, and to this end encourages States, the Office of the High Commissioner and other relevant partners to make full use of the Multilateral Framework of Understandings on Resettlement,[11] where appropriate;

25. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;

26. *Urges* the international community, in the spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, inter alia, as a result of repatriation possibilities, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

27. *Encourages* the Office of the High Commissioner and interested States to identify protracted refugee situations which might lend themselves to resolution through the development of specific, multilateral, comprehensive and practical approaches to resolving such refugee situations, including improvement of international burden- and responsibility-sharing and realization of durable solutions, within a multilateral context;

28. *Expresses grave concern* about the plight of internally displaced persons in Africa, notes the efforts of African States in strengthening the regional mechanisms for protection of and assistance to internally displaced persons, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement,[12] takes note of the current activities of the Office of the High Commissioner related to protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

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[11] Available from www.unhcr.org.

[12] E/CN.4/1998/53/Add.2, annex.

29. *Invites* the Representative of the Secretary-General on the human rights of internally displaced persons to continue his ongoing dialogue with Member States and the intergovernmental and non-governmental organizations concerned, in accordance with his mandate, and to include information thereon in his reports to the Human Rights Council and the General Assembly;

30. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its sixty-fourth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions".